

JUDGE KAPLAN

ORIGINAL

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

- - - - - X

UNITED STATES OF AMERICA : INDICTMENT

-v.-

: 19 Cr. 780
19 CRIM 780

SYLVIA ASH, :

Defendant. :

- - - - - X

COUNT ONE

(Conspiracy to Obstruct Justice)

The Grand Jury charges:

1. From at least in or about January 2018, up to and including at least in or about July 2018, in the Southern District of New York and elsewhere, SYLVIA ASH, the defendant, and others known and unknown, willfully and knowingly did combine, conspire, confederate, and agree together and with each other to commit offenses against the United States, to wit, obstruction of justice, in violation of Title 18, United States Code, Sections 1519 and 1512(c).

2. It was a part and object of the conspiracy that SYLVIA ASH, the defendant, would and did knowingly alter, destroy, mutilate, conceal, cover up, falsify, and make a false entry in a record, document, and tangible object with the intent to impede, obstruct, and influence the investigation and proper administration of a matter within the jurisdiction of a

department and agency of the United States and in relation to and contemplation of such a matter, to wit, ASH agreed to sign a false and misleading document in an attempt to impede, obstruct, and influence a federal investigation of the former Chief Executive Officer ("CEO") and others of Municipal Credit Union (the "Credit Union"), in violation of Title 18, United States Code, Section 1519.

3. It was a further part and object of the conspiracy that SYLVIA ASH, the defendant, would and did corruptly alter, destroy, mutilate, and conceal a record, document, and other object and attempt to do so, with the intent to impair the object's integrity and availability for use in an official proceeding, and otherwise would and did obstruct, influence, and impede an official proceeding, and attempt to do so, to wit, ASH agreed to obstruct, influence, and impede a federal investigation of the former CEO and others of the Credit Union, in violation of Title 18, United States Code, Section 1512(c), and sought to carry the scheme out, by among other things, (i) concealing and deleting text messages and email messages and wiping an Apple iPhone to seek to destroy and impair the availability of evidence, including evidence that had been sought from her by federal grand jury subpoenas, and (ii) making

false and misleading statements to federal law enforcement officers.

Overt Acts

4. In furtherance of the conspiracy and to effect the illegal objects thereof, the following overt acts, among others, were committed and caused to be committed in the Southern District of New York and elsewhere:

a. In or about January 2018, in New York, New York, SYLVIA ASH, the defendant, signed a false and misleading memorandum regarding millions of dollars that the CEO had obtained from the Credit Union.

b. On or about March 1, 2018, in New York, New York, ASH falsely stated to a Special Agent with the United States Attorney's Office for the Southern District of New York (the "Special Agent" with the "USAO-SDNY") that, after ASH became Chair of the Board of Directors of the Credit Union (the "Board"), the Credit Union's then-General Counsel (the "General Counsel") informed ASH that the CEO had the option under his employment contract to receive monetary payments to obtain long-term disability insurance ("LTD insurance") instead of having the Credit Union purchase LTD insurance for the CEO, although the General Counsel did not consider that approach advisable.

c. On or about April 6, 2018, ASH informed the Special Agent, who was in New York, New York, that ASH did not have any materials to produce in response to a federal grand jury subpoena served on her on or about March 13, 2018.

d. On or about June 23, 2018, ASH caused an Apple iPhone X, which had been provided to her by the Credit Union, to be wiped.

e. On or about July 6, 2018, ASH caused an incomplete set of materials in response to a federal grand jury subpoena served on her on or about June 18, 2018 to be produced to the USAO-SDNY.

f. On or about July 9, 2018, in New York, New York, ASH falsely stated to the Special Agent that, after she became Chair of the Board, she discussed with the General Counsel the CEO's interest in receiving monetary payments in lieu of a long-term disability insurance policy, and the General Counsel advised that this was permissible but not advisable.

g. On or about July 13, 2018, ASH caused the Credit Union to be falsely told that she had "not wiped, deleted, reset, factory restored, imaged or copied any of [the Credit Union]'s electronic devices."

(Title 18, United States Code, Section 371.)

COUNT TWO

(Obstruction of Justice)

The Grand Jury further charges:

5. In or about January 2018, in the Southern District of New York and elsewhere, SYLVIA ASH, the defendant, knowingly altered, destroyed, mutilated, concealed, covered up, falsified, and made a false entry in a record, document, and tangible object with the intent to impede, obstruct, and influence the investigation and proper administration of a matter within the jurisdiction of a department and agency of the United States and in relation to and contemplation of such a matter, to wit, ASH signed a false and misleading memorandum regarding millions of dollars that the CEO obtained from the Credit Union, in an attempt to obstruct and influence a federal investigation of the CEO and others.

(Title 18, United States Code, Sections 1519 and 2.)

COUNT THREE

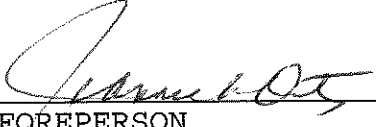
(Obstruction of Justice)


The Grand Jury further charges:

6. From at least in or about January 2018, up to and including at least in or about July 2018, in the Southern District of New York and elsewhere, SYLVIA ASH, the defendant,

corruptly altered, destroyed, mutilated, and concealed a record, document, and other object, and attempted to do so, with the intent to impair the object's integrity and availability for use in an official proceeding, and otherwise obstructed, influenced, and impeded an official proceeding, and attempted to do so, to wit, ASH (i) concealed and deleted text messages and email messages and wiped an Apple iPhone to seek to destroy and impair the availability of evidence, including evidence that had been sought from her by federal grand jury subpoenas, and (ii) made false and misleading statements to federal law enforcement officers in connection with a federal investigation of the CEO and others.

(Title 18, United States Code, Sections 1512(c) and 2.)


FOREPERSON


GEOFFREY S. BERMAN
UNITED STATES ATTORNEY

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

- v. -

SYLVIA ASH,

Defendant.

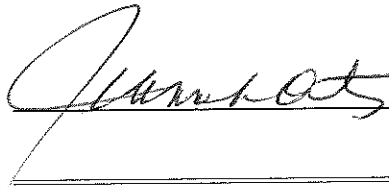
INDICTMENT

19 Cr. ____ ()

(18 U.S.C. §§ 2, 1512(c),
and 1519.)

GEOFFREY S. BERMAN
United States Attorney.

A TRUE BILL



Foreperson.

10/31/19 FILED INDICTMENT CASE ASSET TO J. KAPLAN

(COT, JSM)